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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,922	06/26/2001	Bret P. O'Rourke	MSI-656US	3848
22801	7590	12/09/2003	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2171	
DATE MAILED: 12/09/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/892,922	O'ROURKE ET AL.
Examiner	Art Unit	
Sana Al-Hashemi	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 November 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

Claims Status: 1-34 are rejected.

Applicant's arguments filed 11/24/03 have been fully considered but they are not persuasive.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Baxter et al. (US Patent No.6,356,903).

1. Regarding Claims 1, 10, 17, and 24, Baxter discloses a method for a server to provide content to a client, the method comprising:

receiving a request from the client for one or more requested content items (see column 17, lines 6- 8, Baxter);

identifying a data structure that refers to one or more further content items (see column 17, lines 8-10, Baxter) ;

modifying the data structure to reference the requested content items (see column 17, lines 11-13, Baxter); and

providing the content items referenced by the modified data structure (see column 17, lines 16-18, Baxter).

2. Regarding Claims 2, 11, 18, and 25, Baxter discloses a method wherein identifying the data structure, the data structure comprises a playlist<sup>1</sup>;

wherein receiving the request, the one or more requested content items comprises streaming media content (see column 5, lines 9-12, Baxter); and

wherein providing the content items further comprises streaming the content items referred to by the playlist (see column 5, lines 31-36, Baxter).

3. Regarding Claims 3, 12, 19, and 26, Baxter discloses a method wherein identifying the data structure, the data structure comprises a first Web page specification, and the requested content comprises a second Web page specification (see Fig. 4A, T1, column 6, lines 12- 18, Baxter).

4. Regarding Claims 4, 13, 20, and 27, Baxter discloses a method wherein modifying the data structure further comprises adding a plurality of references to the requested content item in the data structure (see column 6, 21-30, Baxter).

5. Regarding Claims 5, 14, 21, and 28, Baxter discloses a method wherein modifying the data structure further comprises adding a plural number of references to the requested content

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<sup>1</sup> Examiner interprets the playlist as content.

item in the data structure, the number being indicated by the request (see column 7, lines 57-59, Baxter).

6. Regarding Claims 6, 15, and 22, Baxter discloses a method wherein receiving the request, further comprises receiving a variety of requests from the client, at least one subset of the variety of requests comprising respective requests to one or more different content items (see column 18, lines 14-18, Baxter).

7. Regarding Claims 7, 16, and 23, Baxter discloses a method wherein modifying the data structure, the data structure further comprises a placeholder that identifies a particular point in a sequence where the reference to the requested content is placed (see column 18, lines 2-8, Baxter).

8. Regarding Claims 8, and 29, Baxter discloses a method wherein identifying the data structure further comprises creating the data structure by modifying a base data structure (see column 12, lines 16-28, Baxter).

9. Regarding Claims 9, and 30, Baxter discloses a method wherein identifying the data structure further comprises creating the data structure copying a base data structure (see column 6, lines 46-53, Baxter).

10. Regarding Claim 31, Baxter discloses sever wherein at least a subset of the received request refer to differing content items (see column 6, lines 4-11, Baxter).

11. Regarding Claim 32, Baxter discloses a computer-readable medium having stored thereon a wrapper data structure comprising:

one or more first data fields, each data field containing data therein representing a respective reference to a set of content items (see Fig 4A, T1, column 7, table 1, Baxter) ; and

at least one second data field containing data therein representing a respective placeholder to identify a particular point in a sequence of the one or more first data fields where a reference to a set of client requested content is to be inserted (see Fig 4A, T2, table 2, Baxter).

12. Regarding Claim 33, Baxter discloses a computer-readable medium:

wherein the data structure comprises a playlist (see column 5, lines 9-12, Baxter); and  
wherein the content items and the client requested content are streaming media content items that are respectively identified with a Universal Resource Locator (see column 6, lines 17-21, Baxter).

13. Regarding Claim 34, Baxter discloses a computer-readable medium:

wherein the data structure comprises a Web page(see column 2, lines 12-15, Baxter);  
wherein the content items are a first set of Web page specifications (see column 2, lines 15-19, Baxter); and

wherein the client requested content are one or more second Web page specifications (see column 2, lines 19-24, Baxter).

*Response to Amendment*

Applicant argues that Baxter does not teach the step of receiving a request from the client for one or more requested content items.

Examiner disagrees. Referring to column 17, lines 8-10, Baxter does teach this step, when a user send a request for information from the server.

Applicant argues that Baxter does not teach the step of identifying a data structure that refers to one or more further content items.

Examiner disagrees. In order for the system to reply with the requested information must identify it first and that what Baxter is teaching see column 17, lines 8-10, when interpreting the request and retrieve the requested information.

Applicant argues that Baxter does not reach the step of modifying and providing the modified data structure to reference the requested content items.

Examiner disagrees. Referring to column 6, lines 12-21, Baxter clearly teach the method of modifying and retrieving the content.

Applicant argues the play list is missing from Baxter and requests the examiner to provide "an affidavit to support this modification to Baxter."

Examiner response, referring to column 5, lines 4-8, Baxter teach indexing the content and lines 9-13, Baxter discloses storing video, audio and movies as well as additional data, which in other words storing play list when indexing the audio or video data.

Applicant argues that Baxter does not teach the first and second web page specifications.

Examiner disagrees. Referring to column 6, lines 63-65 Baxter teach the method of identifying and the requested content.

Applicant arguments page 9-15 have been addressed in the rejection above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
December 5, 2003

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